IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/816,749	Confirmation No. 1146
Applicants	:	Durrant, et al.	
Filed	:	April 2, 2004	
TC/A.U.	:	2876	
Examiner	:	Hess, Daniel A.	
Docket No.	:	403FO001	
Customer No.	:	not applicable	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER RESPONDING TO
NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Applicants received a Notification of Non-Compliant Appeal Brief mailed March 22, 2006. The Notification of Non-Compliant Appeal Brief stated that the Appeal Brief did not contain the items required under 37 C.F.R. §41.37(c). In response to the Notification of Non-Compliant Appeal Brief, Applicants submit this letter and the attached Amended Appeal Brief.

Due to the required changes to be made to the sections and content of the Appeal Brief, Applicants submit the attached Amended Appeal Brief. The attached Amended Appeal Brief is to replace the earlier filed Appeal Brief in its entirety. Applicants believe that the attached Amended Appeal Brief contains the sections and content required by 37 C.F.R. §41.37(c), and MPEP 1502. Applicants also believe that the attached Amended Appeal Brief is consistent with the advice and comments set forth in the Federal Register dated Thursday, August 12, 2004, which is entitled "Part II Department of Commerce, Patent and Control Office, 37 CFR Parts 1,

5, 10, 11, and 41 Rules of Practice Before the Board of Patent Appeals and Interferences; Final Rule," and Mr. Robert Spar's presentation dated September 14, 2004, which is entitled "Final Rule Making on Practice Before the Board of Patent Appeals and Interferences (BPAI)." Thus, the attached Amended Appeal Brief is believed to be in compliance with 37 C.F.R. §41.37(c) and MPEP 1205.

This response is mailed within one month or thirty days from the date of mailing of the Notification of Non-Compliant Appeal Brief. Therefore, Applicants believe that these materials are timely submitted, and that no fee is due.

Respectfully submitted,

By _____

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I hereby certify that this paper and/or fee is being deposited with the United States Postal Service first class mail on March 30, 2006, and is addressed to:
Mail Stop Appeal Brief - Patents, Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450.

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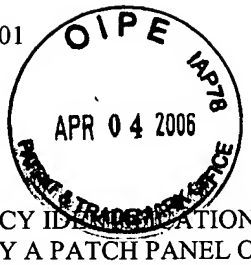
Atty. Docket No.: 403FO001



Serial No.: 10/816,749 Confirmation No.: 1146

Filed: April 2, 2004 Group Art Unit: 2876

For: RADIO FREQUENCY IDENTIFICATION OF A CONNECTOR BY A PATCH PANEL OR SOME OTHER SIMILAR STRUCTURE Examiner: Hess, Daniel A.

MAIL STOP APPEAL BRIEF - PATENTS
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are a LETTER RESPONDING TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF, and AMENDED APPEAL BRIEF in the above-identified application.

☒ No fee required.

☒ The Director is hereby authorized to charge any additional fees, which may be required, or to credit any overpayment to account No. 50-1413. In the event that any variance exists between the amount enclosed and the Patent and Trademark Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit our Deposit Account No. 50-1413. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 CFR 1.136 for the necessary extension of time. A duplication of this sheet is enclosed.

When phoning re this application, please call (708) 457-2767.

BY: Karl D. Kovach .

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE ON MARCH 30, 2006, AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP APPEAL BRIEF - PATENTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Karl D. Kovach .
Name of Applicant's Attorney

Karl D. Kovach
Signature

40,278 .
Registration Number

AF
ZFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/816,749
Confirmation No.:		1146
Applicants	:	Richard C. E. Durrant, and Maurice Fitzgibbon
Filed	:	April 2, 2004
TC/A.U.	:	2876
Examiner	:	Hess, Daniel A.

Title of the Invention: RADIO FREQUENCY IDENTIFICATION OF A CONNECTOR BY A PATCH PANEL OR OTHER SIMILAR STRUCTURE

Docket No.	:	403FO001
Customer No.	:	not applicable

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF

Sir:

Appellants received a Notification of Non-Complaint Appeal Brief dated March 22, 2006. This timely filed Amended Appeal Brief is submitted in response to the comments provided in the Notification of Non-Compliant Appeal Brief and is to replace the earlier filed Appeal Brief. Appellants believe that this Amended Appeal Brief is in compliance with the requirements set forth in 37 C.F.R. §41.37(c). This is an appeal of the Final Rejection dated September 8, 2005, of Claims 11, 13, 15, 17, and 19. The Notice of Appeal and originally submitted Appeal Brief were timely mailed on October 28, 2005.

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I. REAL PARTY IN INTEREST

The real party in interest in this appeal is Stratos International, Inc., having an address at 7444 West Wilson Avenue, Chicago, Illinois 60706.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' legal representative and the assignee are aware of no prior and pending appeals, interferences, or judicial proceedings which are believed to be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 11, 13, 15, 17, and 19 are pending. Claims 1-10, 12, 14, 16, 18, and 20-29 have been canceled. Claims 11, 13, 15, 17, and 19 stand finally rejected and are under consideration in the present appeal.

IV. STATUS OF AMENDMENTS

No amendment under 37 CFR §1.116 has been filed.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A summary of the claimed subject matter as recited in Appellants' independent Claim 11 includes a device which comprises a reader which is capable of communicating with a transponder so as to transfer from the transponder to the reader information concerning the length of the fiber optic cable to which the transponder is attached. Components of the device, as recited in Appellants' independent Claim 11, are displayed in non-limiting Figures 6, 7, 10, 11, and 12. The device includes a fiber optic cable 30 (See Figures 6 and 7), a transponder 70 (See Figures 6, 7, 11, and 12), a substrate 90 (See Figures 10 and 11), an antenna 93 (See Figures 10 and 12), and a transceiver 102 (See Figure 12) (page 7, lines 11-12; and page 9, lines 10-19, of the originally filed specification). The fiber optic cable 30 includes a fiber optic connector 10 (See Figures 6, 7, and 11) (page 7, lines 11-12). The transponder 70 is attached to the fiber optic connector 10 (page 7, lines 13-18). The substrate 90 is adapted for attachment to a panel 80 (See Figures 8, 9, and 11) of a host device 110 (See Figure 11) (page 9, lines 3-9). The antenna 93 is attached to the substrate 90 (page 8, lines 16-18). The transceiver 102 is electrically connected to the antenna 93 so as to form a reader (page 9, lines 18-21) which is capable of activating and interrogating the transponder 70 when the transponder 70 is sufficiently close to the antenna 93 (page 9, lines 13-23; and page 10, lines 1-3). The fiber optic cable 30 has a length (page 10, lines 4-5; and page 14, line 11). The transponder 70 includes information related to the length of the fiber optic cable 30 (page 10, lines 4-5; and page 14, lines 12-13).

A summary of the claimed subject matter as recited in Appellants' independent Claim 13 includes a device which comprises a reader which is capable of communicating with a transponder so as to transfer from the transponder to the reader information concerning the

industrial standard to which the fiber optic connector conforms to which the transponder is attached. Components of the device, as recited in Appellants' independent Claim 13, are displayed in non-limiting Figures 6, 7, 10, 11, and 12. The device includes a fiber optic cable 30 (See Figures 6 and 7), a transponder 70 (See Figures 6, 7, 11, and 12), a substrate 90 (See Figures 10 and 11), an antenna 93 (See Figures 10 and 12), and a transceiver 102 (See Figure 12) (page 7, lines 11-12; and page 9, lines 10-19, of the originally filed specification). The fiber optic cable 30 includes a fiber optic connector 10 (See Figures 6, 7, and 11) (page 7, lines 11-12). The transponder 70 is attached to the fiber optic connector 10 (page 7, lines 13-18). The substrate 90 is adapted for attachment to a panel 80 (See Figures 8, 9, and 11) of a host device 110 (See Figure 11) (page 9, lines 3-9). The antenna 93 is attached to the substrate 90 (page 8, lines 16-18). The transceiver 102 is electrically connected to the antenna 93 so as to form a reader (page 9, lines 18-21) which is capable of activating and interrogating the transponder 70 when the transponder 70 is sufficiently close to the antenna 93 (page 9, lines 13-23; and page 10, lines 1-3). The fiber optic connector 10 conforms to an industrial standard (page 7, lines 20-22; page 8, lines 1-4; page 10, lines 4-7; and page 14, lines 14-15). The transponder 70 includes information related to the industrial standard to which the fiber optic connector 10 conforms (page 7, lines 20-22; page 8, lines 1-4; page 10, lines 4-7; and page 14, lines 16-17).

A summary of the claimed subject matter as recited in Appellants' independent Claim 15 includes a device which comprises a reader which is capable of communicating with a transponder so as to transfer from the transponder to the reader information concerning the predetermined optical fiber grade of the optical fiber of the fiber optic cable to which the transponder is attached. Components of the device, as recited in Appellants' independent Claim 15, are displayed in non-limiting Figures 6, 7, 10, 11, and 12. The device includes a fiber optic

cable 30 (See Figures 6 and 7), a transponder 70 (See Figures 6, 7, 11, and 12), a substrate 90 (See Figures 10 and 11), an antenna 93 (See Figures 10 and 12), and a transceiver 102 (See Figure 12) (page 7, lines 11-12; and page 9, lines 10-19, of the originally filed specification). The fiber optic cable 30 includes a fiber optic connector 10 (See Figures 6, 7, and 11) (page 7, lines 11-12). The transponder 70 is attached to the fiber optic connector 10 (page 7, lines 13-18). The substrate 90 is adapted for attachment to a panel 80 (See Figures 8, 9, and 11) of a host device 110 (See Figure 11) (page 9, lines 3-9). The antenna 93 is attached to the substrate 90 (page 8, lines 16-18). The transceiver 102 is electrically connected to the antenna 93 so as to form a reader (page 9, lines 18-21) which is capable of activating and interrogating the transponder 70 when the transponder 70 is sufficiently close to the antenna 93 (page 9, lines 13-23; and page 10, lines 1-3). The fiber optic cable 30 includes an optical fiber, and the optical fiber conforms to a predetermined optical fiber grade (page 8, lines 2-4; page 10, lines 4-5, and 8-9; and page 14, lines 18-19). The transponder 70 includes information related to the predetermined optical fiber grade of the optical fiber of the fiber optic cable 30 (page 8, lines 2-4; page 10, lines 4-5, and 8-9; and page 14, lines 20-21).

A summary of the claimed subject matter as recited in Appellants' independent Claim 17 includes a device which comprises a reader which is capable of communicating with a transponder so as to transfer from the transponder to the reader information concerning the specific purchase date of the fiber optic cable to which the transponder is attached. Components of the device, as recited in Appellants' independent Claim 17, are displayed in non-limiting Figures 6, 7, 10, 11, and 12. The device includes a fiber optic cable 30 (See Figures 6 and 7), a transponder 70 (See Figures 6, 7, 11, and 12), a substrate 90 (See Figures 10 and 11), an antenna 93 (See Figures 10 and 12), and a transceiver 102 (See Figure 12) (page 7, lines 11-12; and page

9, lines 10-19, of the originally filed specification). The fiber optic cable 30 includes a fiber optic connector 10 (See Figures 6, 7, and 11) (page 7, lines 11-12). The transponder 70 is attached to the fiber optic connector 10 (page 7, lines 13-18). The substrate 90 is adapted for attachment to a panel 80 (See Figures 8, 9, and 11) of a host device 110 (See Figure 11) (page 9, lines 3-9). The antenna 93 is attached to the substrate 90 (page 8, lines 16-18). The transceiver 102 is electrically connected to the antenna 93 so as to form a reader (page 9, lines 18-21) which is capable of activating and interrogating the transponder 70 when the transponder 70 is sufficiently close to the antenna 93 (page 9, lines 13-23; and page 10, lines 1-3). The fiber optic cable 30 was purchased on a specified date (page 10, lines 4-6; and page 14, lines 22-23). The transponder 70 includes information related to the specific purchase date of the fiber optic cable 30 (page 10, lines 4-6; and page 15, lines 1-2).

A summary of the claimed subject matter as recited in Appellants' independent Claim 19 includes a device which comprises a reader which is capable of communicating with a transponder so as to transfer from the transponder to the reader information concerning the warranty of the fiber optic cable to which the transponder is attached. Components of the device, as recited in Appellants' independent Claim 19, are displayed in non-limiting Figures 6, 7, 10, 11, and 12. The device includes a fiber optic cable 30 (See Figures 6 and 7), a transponder 70 (See Figures 6, 7, 11, and 12), a substrate 90 (See Figures 10 and 11), an antenna 93 (See Figures 10 and 12), and a transceiver 102 (See Figure 12) (page 7, lines 11-12; and page 9, lines 10-19, of the originally filed specification). The fiber optic cable 30 includes a fiber optic connector 10 (See Figures 6, 7, and 11) (page 7, lines 11-12). The transponder 70 is attached to the fiber optic connector 10 (page 7, lines 13-18). The substrate 90 is adapted for attachment to a panel 80 (See Figures 8, 9, and 11) of a host device 110 (See Figure 11) (page 9, lines 3-9). The antenna 93 is

attached to the substrate 90 (page 8, lines 16-18). The transceiver 102 is electrically connected to the antenna 93 so as to form a reader (page 9, lines 18-21) which is capable of activating and interrogating the transponder 70 when the transponder 70 is sufficiently close to the antenna 93 (page 9, lines 13-23; and page 10, lines 1-3). The fiber optic cable 30 was purchased pursuant to a warranty (page 10, lines 4-5, and 7-8; and page 15, lines 3-4). The transponder 70 includes information related to the warranty (page 10, lines 4-5, and 7-8; and page 15, lines 5-6).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 11, 13, 15, 17, and 19 are unpatentable under 35 U.S.C. §103(a) over Stanescu (U.S. Patent No. 6,784,802) in view of Renzoni (U.S. Patent No. 6,745,971).

VII. ARGUMENT

Rejection under 35 U.S.C. §103(a) over Stanescu in view of Renzoni

The final rejection rejects Claims 11, 13, 15, 17, and 19 under 35 U.S.C. §103(a) as being unpatentable over Stanescu (U.S. Patent No. 6,784,802) in view of Renzoni (U.S. Patent No. 6,745,971). The rejection of each claim is addressed in turn below.

Claim 11

Claim 11, as discussed above, was rejected under 35 U.S.C. §103(a) as being unpatentable over Stanescu in view of Renzoni.

The final rejection argues that Stanescu discloses every feature of Appellants' invention as recited in Claim 11 except for "fiber length." The Stanescu reference fails to disclose the length of an optical fiber, and the inclusion of that information in a transponder. Thus, the Stanescu reference lacks the claimed features of "the fiber optic cable has a length," and wherein "the transponder includes information related to the length of the optical cable," as recited in Claim 11. Therefore, the Stanescu reference is not believed to in any way anticipate or render obvious the present invention as recited in Claim 11.

Renzoni discloses a spooling device for an optical fiber jump cable. The spooling device includes an optical fiber having respective connectors at each end of the optical fiber. The final rejection argues that Renzoni "teaches (column 4, lines 40-45) labeling information on a fiber spool including connector type (same information as claim 13), fiber length (same information as claim 11) and purchase date (same information as claim 17)." In stark contrast to Appellants' claimed invention, the Renzoni reference fails to disclose a transponder, a substrate adapted for attachment to a panel of a host device, an antenna, a transceiver electrically connected to the

antenna, and the transponder having information related to the length of the fiber optic cable. Thus, the Renzoni reference lacks the claimed features of "a transponder attached to the fiber optic connector," and "a substrate adapted for attachment to a panel of a host device," and "an antenna attached to the substrate," and "a transceiver electrically connected to the antenna so as to form a reader which is capable of activating and interrogating the transponder when the transponder is sufficiently close to the antenna," and wherein "the transponder includes information related to the length of the fiber optic cable," as recited in Claim 11. Therefore, the Renzoni reference is not believed to in any way anticipate or render obvious the present invention as recited in Claim 11.

The final rejection cited Renzoni in combination with Stanescu for rendering obvious the claimed invention. However, the Renzoni reference provides no teaching to overcome the shortcomings of Stanescu in regard to Claim 11. Thus, Claim 11 is believed to be clearly allowable over these references.

However, the final rejection takes the position set forth below:

> In view of Rezoni's information, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known connector type information (claim 13), fiber length (claim 11) and purchase date (claim 17) in the transponder tag and communication system of Stanescu because as Rezoni clearly recognizes, these are all relevant data in putting together a good fiber network. Connectors must match, fiber length must be compensated for by necessary amplification, and purchase date indicates how old the fiber is.

The final rejection asserts that "Renzoni clearly recognizes, these are all relevant data;" however, the Renzoni reference fails to provide the teaching or motivation to impart with the transponder the information related to the length of the fiber optical cable. The final rejection does not set forth or cite the source for the motivation to combine references as set forth in MPEP sections 2142, and 2143. Therefore, Appellants believe that the rejection of Claim 11 should be removed, and that Claim 11 should be allowed.

Claim 13

Claim 13, as discussed above, was rejected under 35 U.S.C. §103(a) as being unpatentable over Stanescu in view of Renzoni.

The final rejection argues that Stanescu discloses every feature of Appellants' invention as recited in Claim 13 except for "connector type." The Stanescu reference fails to disclose the industrial standard to which the fiber optic connector conforms, and the inclusion of that information in a transponder. Thus, the Stanescu reference lacks the claimed features of "the fiber optic connector conforms to an industrial standard," and wherein "the transponder includes information related to the industrial standard to which the fiber optic connector conforms," as recited in Claim 13. Therefore, the Stanescu reference is not believed to in any way anticipate or render obvious the present invention as recited in Claim 13.

Renzoni discloses a spooling device for an optical fiber jump cable. The spooling device includes an optical fiber having respective connectors at each end of the optical fiber. The final rejection argues that Renzoni "teaches (column 4, lines 40-45) labeling information on a fiber spool including connector type (same information as claim 13), fiber length (same information as claim 11) and purchase date (same information as claim 17)." In stark contrast to Appellants' claimed invention, the Renzoni reference fails to disclose a transponder, a substrate adapted for

attachment to a panel of a host device, an antenna, a transceiver electrically connected to the antenna, and the transponder having information related to the industrial standard to which the fiber optic connector conforms. Thus, the Renzoni reference lacks the claimed features of "a transponder attached to the fiber optic connector," and "a substrate adapted for attachment to a panel of a host device," and "an antenna attached to the substrate," and "a transceiver electrically connected to the antenna so as to form a reader which is capable of activating and interrogating the transponder when the transponder is sufficiently close to the antenna," and wherein "the transponder includes information related to the industrial standard to which the fiber optic connector conforms," as recited in Claim 13. Therefore, the Renzoni reference is not believed to in any way anticipate or render obvious the present invention as recited in Claim 13.

The final rejection cited Renzoni in combination with Stanescu for rendering obvious the claimed invention. However, the Renzoni reference provides no teaching to overcome the shortcomings of Stanescu in regard to Claim 13. Thus, Claim 13 is believed to be clearly allowable over these references.

However, the final rejection takes the position set forth below:

> In view of Rezoni's information, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known connector type information (claim 13), fiber length (claim 11) and purchase date (claim 17) in the transponder tag and communication system of Stanescu because as Rezoni clearly recognizes, these are all relevant data in putting together a good fiber network. Connectors must match, fiber length must be compensated for by necessary amplification, and purchase date indicates how old

the fiber is.

The final rejection asserts that "Renzoni clearly recognizes, these are all relevant data;" however, the Renzoni reference fails to provide the teaching or motivation to impart with the transponder the information related to the industrial standard to which the fiber optic connector conforms. The final rejection does not set forth or cite the source for the motivation to combine references as set forth in MPEP sections 2142, and 2143. Therefore, Appellants believe that the rejection of Claim 13 should be removed, and that Claim 13 should be allowed.

Claim 15

Claim 15, as discussed above, was rejected under 35 U.S.C. §103(a) as being unpatentable over Stanescu in view of Renzoni.

Claim 15 is separately patentable from Claim 19, and Claims 11, 13, and 17, since the applied prior art, as applied and argued in regard to Claim 15, neither discloses nor suggests the device of Claim 15.

The final rejection argues that Stanescu discloses every feature of Appellants' invention as recited in Claim 15 except for "grade." The Stanescu reference fails to disclose the grade of the optical fiber, and the inclusion of that information in a transponder. Thus, the Stanescu reference lacks the claimed features of "the fiber optic cable includes an optical fiber, and wherein the optical fiber conforms to a predetermined optical fiber grade," and wherein "the transponder includes information related to the predetermined optical fiber grade of the optical fiber of the fiber optic cable," as recited in Claim 15. Therefore, the Stanescu reference is not believed to in any way anticipate or render obvious the present invention as recited in Claim 15.

Renzoni discloses a spooling device for an optical fiber jump cable. The spooling device includes an optical fiber having respective connectors at each end of the optical fiber. The final

rejection argues that Renzoni "teaches (column 4, lines 40-45) labeling information on a fiber spool including connector type (same information as claim 13), fiber length (same information as claim 11) and purchase date (same information as claim 17)." In stark contrast to Appellants' claimed invention, the Renzoni reference fails to disclose a transponder, a substrate adapted for attachment to a panel of a host device, an antenna, a transceiver electrically connected to the antenna, and the transponder having information related to the predetermined optical fiber grade of the optical fiber. Thus, the Renzoni reference lacks the claimed features of "a transponder attached to the fiber optic connector," and "a substrate adapted for attachment to a panel of a host device," and "an antenna attached to the substrate," and "a transceiver electrically connected to the antenna so as to form a reader which is capable of activating and interrogating the transponder when the transponder is sufficiently close to the antenna," and wherein "the transponder includes information related to the predetermined optical fiber grade of the optical fiber of the fiber optic cable," as recited in Claim 15. Therefore, the Renzoni reference is not believed to in any way anticipate or render obvious the present invention as recited in Claim 15.

The final rejection cited Renzoni in combination with Stanescu for rendering obvious the claimed invention. However, the Renzoni reference provides no teaching to overcome the shortcomings of Stanescu in regard to Claim 15. Thus, Claim 15 is believed to be clearly allowable over these references.

The final rejection argues that "Stoy (US 5,066,091) makes mention (column 14, lines 62-68) of the value of grade matching in replacing fibers in a system." In stark contrast to Appellants' claimed invention, the Stoy reference does not disclose a transponder having information related to the predetermined optical fiber grade of the optical fiber. Thus, the Stoy reference lacks the claimed features of "a transponder attached to the fiber optic connector," and

"the transponder includes information related to the predetermined optical fiber grade of the optical fiber of the fiber optic cable," as recited in Claim 15. Therefore, the Stoy reference is not believed to in any way anticipate or render obvious the present invention as recited in Claim 15.

The final rejection cited Stoy in combination with Stanescu in view of Renzoni for rendering obvious the claimed invention. However, the Stoy reference provides no teaching to overcome the shortcomings of Stanescu in view of Renzoni in regard to Claim 15. Thus, Claim 15 is believed to be clearly allowable over these references.

Additionally, in regard to the rejection of Claim 15, the final rejection fails to provide the teaching or motivation to impart with the transponder the information related to the predetermined optical fiber grade of the optical fiber of the fiber optic cable. The final rejection does not set forth or cite the source for the motivation to combine references as set forth in MPEP sections 2142, and 2143. Therefore, Appellants believe that the rejection of Claim 15 should be removed, and that Claim 15 should be allowed.

Claim 17

Claim 17, as discussed above, was rejected under 35 U.S.C. §103(a) as being unpatentable over Stanescu in view of Renzoni.

The final rejection argues that Stanescu discloses every feature of Appellants' invention as recited in Claim 17 except for "purchase date." The Stanescu reference fails to disclose the specified date on which the fiber optic cable was purchased, and the inclusion of that information in a transponder. Thus, the Stanescu reference lacks the claimed features of "the fiber optic cable was purchased on a specified date," and wherein "the transponder includes information related to the specific purchase date of the fiber optic cable," as recited in Claim 17. Therefore,

the Stanescu reference is not believed to in any way anticipate or render obvious the present invention as recited in Claim 17.

Renzoni discloses a spooling device for an optical fiber jump cable. The spooling device includes an optical fiber having respective connectors at each end of the optical fiber. The final rejection argues that Renzoni "teaches (column 4, lines 40-45) labeling information on a fiber spool including connector type (same information as claim 13), fiber length (same information as claim 11) and purchase date (same information as claim 17)." In stark contrast to Appellants' claimed invention, the Renzoni reference fails to disclose a transponder, a substrate adapted for attachment to a panel of a host device, an antenna, a transceiver electrically connected to the antenna, and the transponder having information related to the specific purchase date of the fiber optic cable. Thus, the Renzoni reference lacks the claimed features of "a transponder attached to the fiber optic connector," and "a substrate adapted for attachment to a panel of a host device," and "an antenna attached to the substrate," and "a transceiver electrically connected to the antenna so as to form a reader which is capable of activating and interrogating the transponder when the transponder is sufficiently close to the antenna," and wherein "the transponder includes information related to the specific purchase date of the fiber optic cable," as recited in Claim 17. Therefore, the Renzoni reference is not believed to in any way anticipate or render obvious the present invention as recited in Claim 17.

The final rejection cited Renzoni in combination with Stanescu for rendering obvious the claimed invention. However, the Renzoni reference provides no teaching to overcome the shortcomings of Stanescu in regard to Claim 17. Thus, Claim 17 is believed to be clearly allowable over these references.

However, the final rejection takes the position set forth below:

> In view of Rezoni's information, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known connector type information (claim 13), fiber length (claim 11) and purchase date (claim 17) in the transponder tag and communication system of Stanescu because as Rezoni clearly recognizes, these are all relevant data in putting together a good fiber network. Connectors must match, fiber length must be compensated for by necessary amplification, and purchase date indicates how old the fiber is.

The final rejection asserts that "Renzoni clearly recognizes, these are all relevant data;" however, the Renzoni reference fails to provide the teaching or motivation to impart with the transponder the information related to the specific purchase date of the fiber optic cable. The final rejection does not set forth or cite the source for the motivation to combine references as set forth in MPEP sections 2142, and 2143. Therefore, Appellants believe that the rejection of Claim 17 should be removed, and that Claim 17 should be allowed.

Claim 19

Claim 19, as discussed above, was rejected under 35 U.S.C. §103(a) as being unpatentable over Stanescu in view of Renzoni.

Claim 19 is separately patentable from Claim 15, and Claims 11, 13, and 17, since the applied prior art, as applied and argued in regard to Claim 19, neither discloses nor suggests the device of Claim 19.

The final rejection argues that Stanescu discloses every feature of Appellants' invention as recited in Claim 19 except for "warranty." The Stanescu reference fails to disclose the

warranty associated with the fiber optic cable, and the inclusion of that information in a transponder. Thus, the Stanescu reference lacks the claimed features of "the fiber optic cable was purchased pursuant to a warranty," and wherein "transponder includes information related to the warranty," as recited in Claim 19. Therefore, the Stanescu reference is not believed to in any way anticipate or render obvious the present invention as recited in Claim 19.

Renzoni discloses a spooling device for an optical fiber jump cable. The spooling device includes an optical fiber having respective connectors at each end of the optical fiber. The final rejection argues that Renzoni "teaches (column 4, lines 40-45) labeling information on a fiber spool including connector type (same information as claim 13), fiber length (same information as claim 11) and purchase date (same information as claim 17)." In stark contrast to Appellants' claimed invention, the Renzoni reference fails to disclose a transponder, a substrate adapted for attachment to a panel of a host device, an antenna, a transceiver electrically connected to the antenna, and the transponder having information related to the warranty of the fiber optic cable. Thus, the Renzoni reference lacks the claimed features of "a transponder attached to the fiber optic connector," and "a substrate adapted for attachment to a panel of a host device," and "an antenna attached to the substrate," and "a transceiver electrically connected to the antenna so as to form a reader which is capable of activating and interrogating the transponder when the transponder is sufficiently close to the antenna," and wherein "the fiber optic cable was purchased pursuant to a warranty," and wherein "the transponder includes information related to the warranty," as recited in Claim 19. Therefore, the Renzoni reference is not believed to in any way anticipate or render obvious the present invention as recited in Claim 19.

The final rejection cited Renzoni in combination with Stanescu for rendering obvious the claimed invention. However, the Renzoni reference provides no teaching to overcome the

shortcomings of Stanescu in regard to Claim 19. Thus, Claim 19 is believed to be clearly allowable over these references.

However, the final rejection takes the position set forth below:

> Warranty information is also understood in the art to be useful when maintaining a fiber optic network because if a fiber in the network is under warranty, it might be possible to recoup its costs.

The final rejection does not set forth or cite the source for the motivation to combine references as set forth in MPEP sections 2142, and 2143. Also, the final rejection does not cite a reference for the claim feature of a "warranty," as set forth in MPEP section 2143.03. Therefore, Appellants believe that the rejection of Claim 19 should be removed, and that Claim 19 should be allowed.

VIII. CONCLUSION

For the reasons discussed herein, Appellants submit that the Final Rejection is improper and should be reversed.

Respectfully submitted,

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CLAIMS APPENDIX

11. A device comprising:

a fiber optic cable having a fiber optic connector;

a transponder attached to the fiber optic connector;

a substrate adapted for attachment to a panel of a host device;

an antenna attached to the substrate; and

a transceiver electrically connected to the antenna so as to form a reader which is capable of activating and interrogating the transponder when the transponder is sufficiently close to the antenna, and wherein

the fiber optic cable has a length, and wherein

the transponder includes information related to the length of the fiber optic cable.

13. A device comprising:

a fiber optic cable having a fiber optic connector;

a transponder attached to the fiber optic connector;

a substrate adapted for attachment to a panel of a host device;

an antenna attached to the substrate; and

a transceiver electrically connected to the antenna so as to form a reader which is capable of activating and interrogating the transponder when the transponder is sufficiently close to the antenna, and wherein

the fiber optic connector conforms to an industrial standard, and wherein

the transponder includes information related to the industrial standard to which the fiber optic connector conforms.

15. A device comprising:

a fiber optic cable having a fiber optic connector;

a transponder attached to the fiber optic connector;

a substrate adapted for attachment to a panel of a host device;

an antenna attached to the substrate; and

a transceiver electrically connected to the antenna so as to form a reader which is capable of activating and interrogating the transponder when the transponder is sufficiently close to the antenna, and wherein

the fiber optic cable includes an optical fiber, and wherein the optical fiber conforms to a predetermined optical fiber grade, and wherein

the transponder includes information related to the predetermined optical fiber grade of the optical fiber of the fiber optic cable.

17. A device comprising:

a fiber optic cable having a fiber optic connector;

a transponder attached to the fiber optic connector;

a substrate adapted for attachment to a panel of a host device;

an antenna attached to the substrate; and

a transceiver electrically connected to the antenna so as to form a reader which is capable of activating and interrogating the transponder when the transponder is sufficiently close to the antenna, and wherein

the fiber optic cable was purchased on a specified date, and wherein

the transponder includes information related to the specific purchase date of the fiber optic cable.

19. A device comprising:

a fiber optic cable having a fiber optic connector;

a transponder attached to the fiber optic connector;

a substrate adapted for attachment to a panel of a host device;

an antenna attached to the substrate; and

a transceiver electrically connected to the antenna so as to form a reader which is capable of activating and interrogating the transponder when the transponder is sufficiently close to the antenna, and wherein

the fiber optic cable was purchased pursuant to a warranty, and wherein

the transponder includes information related to the warranty.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.